

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON; STATE OF  
ARIZONA; STATE OF ILLINOIS; and STATE OF  
OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as  
President of the United States; U.S. DEPARTMENT  
OF HOMELAND SECURITY; BENJAMINE  
HUFFMAN, in his official capacity as Acting  
Secretary of Homeland Security; U.S. SOCIAL  
SECURITY ADMINISTRATION; MICHELLE  
KING, in her official capacity as Acting  
Commissioner of the Social Security Administration;  
U.S. DEPARTMENT OF STATE; MARCO RUBIO,  
in his official capacity as Secretary of State; U.S.  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES; DOROTHY FINK, in her official  
capacity as Acting Secretary of Health and Human  
Services; U.S. DEPARTMENT OF JUSTICE;  
JAMES MCHENRY, in his official capacity as  
Acting Attorney General; U.S. DEPARTMENT OF  
AGRICULTURE; GARY WASHINGTON, in his  
official capacity as Acting Secretary of Agriculture;  
and the UNITED STATES OF AMERICA,

Defendants.

NO. 2:25-cv-00127  
[PROPOSED] BRIEF OF AMICI  
CURIAE LOCAL  
GOVERNMENTS AND LOCAL  
GOVERNMENT OFFICIALS IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR A PRELIMINARY  
INJUNCTION

BRIEF OF *AMICI CURIAE* LOCAL  
GOVERNMENTS AND LOCAL  
GOVERNMENT OFFICIALS  
NO. 2:25-cv-00127

BRADLEY BERNSTEIN SANDS LLP  
2800 FIRST AVENUE, SUITE 326  
SEATTLE, WA 98121  
206.337.6551

## TABLE OF CONTENTS

STATEMENT OF INTEREST .....	1
ARGUMENT .....	3
I.    PLAINTIFFS ARE HIGHLY LIKELY TO SUCCEED ON THE MERITS .....	4
II.   A NATIONWIDE INJUNCTION IS NECESSARY TO PROTECT THE PUBLIC INTEREST .....	6
A.  Immediate Economic Harms to Communities from Stripped Benefits .....	6
B.  Immediate Administrative Burdens to Local Governments .....	10
C.  The Need for Nationwide Relief.....	12
CONCLUSION.....	14
Appendix A – List of <i>Amici Curiae</i> .....	17

TABLE OF AUTHORITIES

CASES

*Arizona v. United States*,  
567 U.S. 387 (2012) ..... 14

*Ashcroft v. Am. Civ. Lib. Union*,  
542 U.S. 656 (2004) ..... 3

*Desert Palace, Inc. v. Costa*,  
539 U.S. 90 (2003) ..... 4

*Hecht v. Malley*,  
265 U.S. 144 (1924) ..... 6

*HLAS v. Trump*,  
985 F.3d 309 (4th Cir. 2021) ..... 15

*INS v. Rios-Pineda*,  
471 U.S. 444 (1985) ..... 5

*Plyler v. Doe*,  
457 U.S. 202 (1982) ..... 4, 10, 11, 12

*Shapiro v. United States*,  
335 U.S. 1 (1948) ..... 6

*United States v. Wong Kim Ark*,  
169 U.S. 649 (1898) ..... 4, 5

STATUTES

8 U.S.C. § 1401(a) ..... 4, 5

8 U.S.C. § 1611(a), (c)(1)(B) ..... 6

8 U.S.C. § 1641(b) ..... 6

20 U.S.C. § 1412(a)(1) ..... 8

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend. 14, § 1 ..... 1

**OTHER AUTHORITIES**

Birth Records Or Death Certificates From The Cook County Clerk's  
Office, Cook County, Illinois ..... 11

Center on Budget and Policy Priorities, A QUICK GUIDE TO SNAP  
ELIGIBILITY AND BENEFITS, September 30, 2024 ..... 7

George Washington, FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED  
STATES, Sept. 19, 1796 ..... 2

How to Request a Birth or Death Certificate, Kansas City, Missouri ..... 11

The Centers for Medicare and Medicaid Services, DELIVERING SERVICES  
IN SCHOOL-BASED SETTINGS: A COMPREHENSIVE GUIDE TO MEDICAID  
SERVICES AND ADMINISTRATIVE CLAIMING, 2023 ..... 9

The Pew Charitable Trusts, MAPPING PUBLIC BENEFITS FOR IMMIGRANTS  
IN THE STATES, Sept. 24, 2014 ..... 6

Tracy Vericker, Daniel Kuehn, and Randy Capps, TITLE IV-E FUNDING:  
FUNDED FOSTER CARE PLACEMENTS BY CHILD GENERATION AND  
ETHNICITY, The Urban Institute, May 2007 ..... 9

U.S. Citizenship and Immigration Services, TRANSACTION CHARGES ..... 12

U.S. Citizenship and Immigration Services, VERIFICATION PROCESS ..... 12

U.S. Department of State, GET CITIZENSHIP EVIDENCE FOR A U.S.  
PASSPORT ..... 11, 12

USCIS, HOW DO I GET MY PROOF OF CITIZENSHIP? ..... 11

## STATEMENT OF INTEREST

*Amici* are local governments and local government officials representing 72 jurisdictions across 24 states.<sup>1</sup> *Amici* write in strong support of Plaintiffs’ motion for a preliminary injunction because of the immense harms the Executive Order entitled “Protecting the Meaning and Value of American Citizenship,” (“Order”)—the subject of Plaintiffs’ lawsuit—will cause if allowed to go into effect.

Since the enactment of the Fourteenth Amendment, it has been well understood that children born “in the United States, and subject to the jurisdiction thereof,” are American citizens. U.S. CONST. Amend. 14, § 1. With very limited exceptions (such as for children of foreign diplomats not subject to U.S. “jurisdiction”) that is true regardless of the immigration status of their parents. This bedrock understanding of citizenship is reflected in our communities. Children born on our soil attend our schools. When they are sick, they obtain services through local health providers. If they are neglected and abused, our child protective services step forward to help them. When they are victims of a crime, they are entitled to the full panoply of victim rights afforded to any resident. If they *commit* a crime, they are “subject to the jurisdiction” of our state and federal laws and can be punished just like any other member of our community.

As they grow older, those who are Americans by virtue of birth serve our Nation (and our communities) with distinction. They serve in our military and shed blood for our country. They are our frontline workers, medical providers, and law enforcement personnel. They start

---

<sup>1</sup> No party or party’s counsel authored this brief in whole or in part. No party or party’s counsel contributed money intended to fund preparation or submission of this brief. A list of all *amici* is listed at Appendix A.

1 businesses, teach schoolchildren, and contribute to our local and national economies. They  
 2 become leaders in our communities, across a variety of sectors. And when the time comes, they  
 3 start American families of their own. Like all “citizens *by birth or choice*,” those born on  
 4 American soil “concentrate [their] affections” in “the name of American.”<sup>2</sup>

5  
 6 The Order thus stands at odds not just with the Constitution, but with our American  
 7 values. It rejects the contributions of “citizens by birth,” who have helped to build—and defend—  
 8 our Nation and our local communities. At the local level, the Order undercuts our social fabric  
 9 and cohesion by creating a permanent class of people with unequal rights. If allowed to go into  
 10 effect, the Order will cause residents to be restricted from full participation in the community.  
 11 They will be unable to vote, serve on juries, receive federal financial aid for higher education,  
 12 and run for office. Their participation will be further restricted by lack of work authorization,  
 13 ineligibility for certain federal benefits, and risk of deportation. These direct effects will cause  
 14 broader harms, including to local economies, education rates, and public health outcomes.

15  
 16 *Amici* write separately because local governments face immediate harms from the Order  
 17 that overlap with yet are distinct from the harms individuals, organizations, and states must  
 18 confront. Among other things, local governments must manage the administrative confusion  
 19 created by the Order. Because some local governments issue birth certificates, they will need to  
 20 develop new systems to ascertain the citizenship of children born in their local hospitals and  
 21 within city or county lines. The Order also forces *amici* to develop new protocols for any  
 22  
 23

24  
 25 <sup>2</sup> George Washington, FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED STATES  
 (Sept. 19, 1796) (emphasis added).

1 programs requiring citizenship verification, because traditional birth certificates will no longer  
 2 suffice as proof of citizenship. Local communities will also contend with the personal impact to  
 3 their community members, such as restrictions on federally funded health care coverage, child  
 4 services, and educational benefits. As a result, many local governments will be forced to fund  
 5 such services themselves, further draining already scant local resources.

### 7 **ARGUMENT**

8 The Order seeks to ignore the text of the U.S. Constitution, overrule binding Supreme  
 9 Court precedent, and set aside an Act of Congress, through unilateral executive action. This Court  
 10 should not permit it to stand.

11 *Amici* cities, counties, and representatives come before this Court to protect their  
 12 community members and their own interests by supporting Plaintiffs’ request for an injunction  
 13 against the President’s executive order. It is difficult to imagine a more compelling circumstance  
 14 for the issuance of nationwide relief. The Order reflects a unilateral attempt to alter the  
 15 Constitution by attacking a bedrock legal tenet on which this country is built. “[P]laintiffs,”  
 16 moreover, “have demonstrated that they are likely to prevail on the merits,” and in the absence  
 17 of a preliminary injunction they will suffer irreparable injury. *Ashcroft v. Am. Civ. Lib. Union*,  
 18 542 U.S. 656, 666 (2004). In particular, the Order threatens to cause administrative confusion  
 19 and burden, financial harm to state and local governments directly, and immeasurable harm to  
 20 individuals living in *amici*’s jurisdictions. Declining to enter an injunction in this matter will  
 21 impose grave harm to the public interest and to the very fabric of our country.

#### 24 **I. PLAINTIFFS ARE HIGHLY LIKELY TO SUCCEED ON THE MERITS**

25 In addition to creating an unworkable citizenship system in practical terms, the Order is

1 a flagrant attack on a pillar of American law. It contradicts the plain text of the U.S. Constitution  
 2 and violates the Immigration and Nationality Act (“INA”), as codified by 8 U.S.C. § 1401(a).  
 3 The Order also runs headlong into more than a century of Supreme Court precedent holding that  
 4 babies born on U.S. soil are citizens, regardless of the immigration status of their parents. *United*  
 5 *States v. Wong Kim Ark*, 169 U.S. 649, 693 (1898). Existing law creates only a very narrow  
 6 exception, for children born to diplomats and passengers on foreign vessels who are not subject  
 7 to prosecution under U.S. law for crimes committed in the United States. *See also Plyler v. Doe*,  
 8 457 U.S. 202, 215 (1982) (holding that undocumented children are “within [the] jurisdiction” of  
 9 a State). No unilateral act of the President can overcome such clearly established law.

11 To start, the text of the Constitution is unambiguous. As such, the “judicial inquiry is  
 12 complete.” *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 98 (2003) (internal quotations omitted).  
 13 The Citizenship Clause is enshrined in the Fourteenth Amendment, Section 1: “All persons born  
 14 or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the  
 15 United States and of the State wherein they reside.” U.S. CONST. Amend. 14, § 1. More than a  
 16 century ago, the Supreme Court definitively concluded that this clause includes the children of  
 17 immigrants born on U.S. soil:

19 The Fourteenth Amendment affirms the ancient and fundamental rule of  
 20 citizenship by birth within the territory, in the allegiance and under the protection  
 21 of the country, including all children here born of resident aliens [...] The  
 22 Amendment, *in clear words and in manifest intent*, includes the children born  
 23 within the territory of the United States of all other persons, of whatever race or  
 24 color, domiciled within the United States. Every citizen or subject of another  
 25 country, while domiciled here, is within the allegiance and the protection, and  
 26 consequently subject to the jurisdiction, of the United States.

*Wong Kim Ark*, 169 U.S. at 693 (emphasis added). That inescapable conclusion has been



1 affirmed multiple times by the Supreme Court in the more than 125 years since the decision. *See*,  
2 *e.g.*, *INS v. Rios-Pineda*, 471 U.S. 444, 446 (1985) (unanimously noting undocumented resident  
3 “had given birth to a child, who, born in the United States, was a citizen of this country”). The  
4 Order ignores both the plain language of the Fourteenth Amendment and the Supreme Court’s  
5 affirmation of its meaning.

6  
7 Additionally, Congress has made clear, through the INA, that birthright citizenship is  
8 enshrined into federal law. Enacted in 1952, the INA provides that any “person born in the United  
9 States, and subject to the jurisdiction thereof” is a “citizen[] of the United States at birth.” 8  
10 U.S.C. § 1401(a)). The INA mirrors the text of the Fourteenth Amendment and should be  
11 afforded the same meaning as the Citizenship Clause was understood to have at the time of  
12 enactment. *See Shapiro v. United States*, 335 U.S. 1, 16 (1948); *see also Hecht v. Malley*, 265  
13 U.S. 144, 153 (1924) (Congress “must be considered to have adopted also the construction given  
14 by this Court to such language, and made it a part of the enactment.”). Thus, for this Order to be  
15 given effect, it must be permitted to override the settled understanding of *both* the Constitution  
16 and a federal statute. That cannot be.

## 18 **II. A NATIONWIDE INJUNCTION IS NECESSARY TO PROTECT THE** 19 **PUBLIC INTEREST**

20 *Amici* fully support Plaintiffs’ request for a nationwide injunction, as any other form of  
21 relief would be inadequate. The harms to Plaintiffs, state and local governments, and individuals  
22 are immediate and significant. As soon as the Order’s attempt to rewrite the Constitution goes  
23 into effect, children and families will be immediately deprived of access to needed benefits. State  
24 and local governments issuing birth certificates will need to find new ways for parents to establish  
25

proof of citizenship for their children. Likewise, localities will be forced to create new procedures to confirm citizenship for participation in a host of activities, including certain benefits programs. The impacts will be felt not just in this district, but across the country. The scope of the harm, the clarity of the violation, and the need for uniform rules regarding citizenship counsel in favor of a nationwide injunction.

**A. Immediate Economic Harms to Communities from Stripped Benefits**

The Order throws public benefit structures into chaos because of their close connection to citizenship status. As a result, families will be deprived of resources needed to support their children. These common-sense and often necessary benefits make it possible for children and families to thrive and contribute to the community without fear of hunger, lack of housing, or inability to access health care. If these benefits are cut off, local governments and community-based groups will be left to fill in the gaps through the delivery of direct services.

Major benefit programs, including Medicaid, CHIP, SNAP, and TANF, are funded in whole or part by the federal government and regularly administered by state and/or local governments. Per federal rules, funding or reimbursement is only available to U.S. citizens and qualified immigrants, such as lawful permanent residents, refugees, and asylum recipients. 8 U.S.C. §§ 1611(a), (c)(1)(B); 1641(b). Individuals with status from work visas, student visas, or tourist visas are generally not considered “qualified” immigrants for purposes of these programs. *See* 8 U.S.C. § 1641(b). Nor are individuals who lack any legal status.<sup>3</sup> *Id.*

---

<sup>3</sup> The Pew Charitable Trusts, MAPPING PUBLIC BENEFITS FOR IMMIGRANTS IN THE STATES (Sept. 24, 2014), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/09/>

1 Accordingly, the Order would strip newborns and young children born on U.S. soil of crucial  
 2 public benefits. Before now, such children—born and residing in the United States—would be  
 3 immediately eligible for, at a minimum, health care through CHIP and SNAP benefits for  
 4 nutrition needs if their family met the income qualifications. But if the Order goes into effect,  
 5 those benefits will be snatched away from countless children.

6  
 7 The immediate harms will be significant. Families will struggle to make ends meet. Some,  
 8 on tight budgets, will be forced to pay for their children’s healthcare out-of-pocket, increasing  
 9 the risk of experiencing housing instability or other forms of economic harm. Localities, as the  
 10 unit of government closest to the ground, will be forced to pick up the pieces and address these  
 11 cascading harms. Just as disturbing, some families may become reluctant to utilize any  
 12 government services *at all* (due to fear of removal) which can have its own public health  
 13 consequences.

14  
 15 At this point, the sheer breadth of the Order bears some emphasis. Though the rhetoric  
 16 surrounding the Order has focused on undocumented noncitizen parents, the Order would deny  
 17 U.S. citizenship—and the associated public benefits—not just to children of undocumented  
 18 immigrants, but to those whose parents are present in our communities on work or student visas.  
 19 In communities that maintain institutions of higher education, countless children of such higher-  
 20 education students would be ineligible for basic programs to ensure their health and well-being.  
 21 The same is true for communities whose local economies depend on those who are present in our  
 22

23  
 24 

---

mapping-public-benefits-for-immigrants-in-the-states; Center on Budget and Policy Priorities, A  
 25 QUICK GUIDE TO SNAP ELIGIBILITY AND BENEFITS (Sept. 30, 2024),  
 26 <https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>.

country on work visas. The Order also creates the absurd possibility that while a parent may have the legal right to remain in this country, their child born on American soil may be at risk of deportation. Such family separation would inevitably wreak untold havoc in communities. Of course, the Citizenship Clause applies categorically to “[a]ll persons born . . . in the United States, and subject to the jurisdiction thereof.” U.S. CONST. Amend. 14, § 1 (emphasis added). But in seeking to rewrite the Constitution, the Order will impose severe, unconstitutional harm not just on the children of undocumented parents, but on countless families that came to this country through accepted means.

In all events, local governments, among others, will be left to fill in the gaps. Where tight budgets permit it, jurisdictions may provide resources to their residents above and beyond federal baselines and regardless of immigration status. *Amici* might create separate programs to support the children that the Order leaves behind, which will impose additional costs to cash-strapped local governments and their residents. To be clear: local governments which fill these gaps will be forced to do more with less. Public health clinics, either run by or funded in part by *amici*, will lose important funding streams such as Medicaid reimbursements. Economic uncertainty and the loss of public insurance coverage may cause these families to rely even more on public health services, further straining the system.

And the consequences of the Order will radiate outwards not just into *amici*’s healthcare systems, but into their schools as well. Federal law requires schools to provide services to students with disabilities under the Individuals with Disabilities in Education Act (IDEA). 20 U.S.C. § 1412(a)(1). But again: the funding stream for special-education services relies partially on federal reimbursement for children who are citizens or otherwise “qualified aliens.” Schools

1 receive partial reimbursement from the federal government to support students with special needs  
 2 who qualify for Medicaid.<sup>4</sup> Under the Order, schools will lose this funding for impacted students  
 3 and will again be forced to fill these funding gaps to continue providing mandated services to  
 4 students in their districts. Similarly, *amici* who administer foster care programs and rely on  
 5 federal Title IV-E funds for foster care expenses, will be forced to bear the financial burden to  
 6 provide these life-altering services.<sup>5</sup>

8 Over forty years ago, in *Plyler*, the Supreme Court held that states could not bar  
 9 undocumented schoolchildren from their public schools. In so doing, the Supreme Court  
 10 cautioned against the creation of “a permanent caste of undocumented resident aliens . . . denied  
 11 the benefits that our society makes available to citizens and lawful residents.” 457 U.S. at 218–  
 12 19. The Court recognized that “a State may withhold its beneficence from” undocumented adults,  
 13 “whose very presence within the United States is the product of their own unlawful conduct.” *Id.*  
 14 at 219. But it emphasized that the denial of benefits to “*children*” of undocumented persons “does  
 15 not comport with fundamental conceptions of justice.” *Id.* at 220 (emphasis added). “Visiting  
 16 condemnation on the head of an infant,” the Court continued, “is illogical and unjust.” *Id.*  
 17 (quoting *Weber v. Aetna Casualty & Surety Co.*, 406 U.S. 164, 175 (1972) (cleaned up)). After  
 18  
 19

---

21 <sup>4</sup> The Centers for Medicare and Medicaid Services, DELIVERING SERVICES IN SCHOOL-  
 22 BASED SETTINGS: A COMPREHENSIVE GUIDE TO MEDICAID SERVICES AND ADMINISTRATIVE  
 23 CLAIMING (2023), [https://www.medicaid.gov/medicaid/financial-management/downloads/sbs-](https://www.medicaid.gov/medicaid/financial-management/downloads/sbs-guide-medicaid-services-administrative-claiming.pdf)  
[guide-medicaid-services-administrative-claiming.pdf](https://www.medicaid.gov/medicaid/financial-management/downloads/sbs-guide-medicaid-services-administrative-claiming.pdf).

24 <sup>5</sup> Tracy Vericker, Daniel Kuehn, and Randy Capps, The Urban Institute, TITLE IV-E  
 25 FUNDING: FUNDED FOSTER CARE PLACEMENTS BY CHILD GENERATION AND ETHNICITY (May  
 26 2007), [https://www.urban.org/sites/default/files/publication/46271/311461-Title-IV-E-Funding-](https://www.urban.org/sites/default/files/publication/46271/311461-Title-IV-E-Funding-Funded-Foster-Care-Placements-by-Child-Generation-and-Ethnicity.PDF)  
[Funded-Foster-Care-Placements-by-Child-Generation-and-Ethnicity.PDF](https://www.urban.org/sites/default/files/publication/46271/311461-Title-IV-E-Funding-Funded-Foster-Care-Placements-by-Child-Generation-and-Ethnicity.PDF).

1 all, “no child is responsible for his birth, and penalizing the ... child is an ineffectual—as well as  
 2 unjust—way of deterring the parent.” *Id.*

3 When children are needlessly penalized and denied access to benefits, the harm is felt not  
 4 just by the child, but by the community writ large. Speaking to the educational benefits at issue  
 5 in *Plyler*, the Court reiterated that “education provides the basic tools by which individuals might  
 6 lead economically productive lives *to the benefit of us all.*” *Id.* at 221 (emphasis added). “We  
 7 cannot ignore,” the Court emphasized, “the significant social costs borne by our Nation when  
 8 select groups are denied the means to absorb the values and skills upon which our social order  
 9 rests.” *Id.* Denying children needed benefits, the Court concluded, would ultimately lead to the  
 10 creation of a permanent “underclass”—the existence of which will invariably fray “the fabric of  
 11 our society.” *Id.* at 219, 221.  
 12

13 The Order at issue here is at least as damaging to the “fabric of our society” as the  
 14 restriction at issue in *Plyler*. In unilaterally seeking to rewrite the Constitution, the Order will  
 15 deny an “underclass” of children benefits relating not just to their education, but to their health  
 16 and their basic security as well. The Order, moreover, would strip citizenship (and benefits) not  
 17 just from the children of undocumented adults, but also from children whose parents present in  
 18 our country to work or pursue an education. Such draconian outcomes are wholly incompatible  
 19 with “fundamental conceptions of justice.” *Id.* at 220. And if the Order goes into effect, entire  
 20 communities will suffer. Local governments should not be forced to bear the burden of repairing  
 21 the “fabric of our society” that will be so irreparably damaged by the Order.  
 22

## 23 **B. Immediate Administrative Burdens to Local Governments**

24 In addition to imposing draconian harms on children, families, and communities,

1 the Order threatens to upend existing local administration of programs as well as the issuance of  
 2 birth certificates. Typically—and reflecting the bedrock understanding that all children born in  
 3 the United States and subject to its jurisdiction are citizens—proof of citizenship can be satisfied  
 4 with a birth certificate demonstrating that a child was born in America.<sup>6</sup> However, any future  
 5 instance where citizenship verification is required will demand more information for all  
 6 individuals. Local governments routinely provide birth certificates for children born within their  
 7 jurisdiction.<sup>7</sup> Birth certificates note the place of birth, which until now has sufficed to prove  
 8 natural-born citizenship, but they do not document the citizenship of the parents. Under the  
 9 Executive Order, a birth certificate, which is created by local or state governments, would no  
 10 longer prove citizenship.  
 11

12 With a birth certificate no longer proving citizenship, existing systems will fail. Even  
 13 children who are born to citizens or lawful permanent resident parents, and are thus born U.S.  
 14

---

17 <sup>6</sup> See, e.g., USCIS, HOW DO I GET MY PROOF OF CITIZENSHIP?,  
 18 <https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf> (“If you were born in the  
 19 United States, you do not need to apply to USCIS for any evidence of citizenship. Your birth  
 20 certificate issued where you were born is proof of your citizenship.”); U.S. Department of State,  
 21 GET CITIZENSHIP EVIDENCE FOR A U.S. PASSPORT, <https://travel.state.gov/content/travel/en/passports/how-apply/citizenship-evidence.html> (listing a birth certificate as the only  
 22 acceptable primary documentation of citizenship for a first-time passport applicant born in the  
 23 United States).

24 <sup>7</sup> See, e.g., BIRTH RECORDS OR DEATH CERTIFICATES FROM THE COOK COUNTY CLERK’S  
 25 OFFICE, Cook County, Illinois,  
 26 [https://www.chicago.gov/city/en/depts/other/provdrs/ccco/svcs/get\\_vital\\_](https://www.chicago.gov/city/en/depts/other/provdrs/ccco/svcs/get_vital_records.html)  
 records.html, and HOW TO REQUEST A BIRTH OR DEATH CERTIFICATE, Kansas City, Missouri  
[https://www.kcmo.gov/city-hall/departments/health/how-to-request-a-birth-or-death-](https://www.kcmo.gov/city-hall/departments/health/how-to-request-a-birth-or-death-certificate)  
 certificate.

citizens under the Order, would lack sufficient documentation to verify their citizenship.<sup>8</sup> States and local governments will need to change the information provided on birth certificates or develop a process to verify citizenship, which will require time and expense. As a result, the Order will cause massive administrative dysfunction. For example, when a city resident applies for a federal public benefits program, *amici* may be involved in verifying the citizenship of applicants, either by (until now) checking the applicant's birth certificate or through "SAVE" (Systematic Alien Verification for Entitlements), a fee-based federal program that confirms the immigration status and/or the naturalized/acquired U.S. citizenship of a person not born in the United States.<sup>9</sup> This additional verification system is set up only for individuals who were born in another country.<sup>10</sup> With U.S. birth certificates no longer proving citizenship, if the Order goes into effect, local governments will functionally have no way to verify citizenship for a large majority of eligible residents.

### C. The Need for Nationwide Relief

As *amici* have detailed above, the legal problems with the Order are significant

---

<sup>8</sup> For example, even the acceptable *secondary* evidence of citizenship for a U.S. passport application must be evidence that the person was born in the United States. U.S. Department of State, GET CITIZENSHIP EVIDENCE FOR A U.S. PASSPORT, <https://travel.state.gov/content/travel/en/passports/how-apply/citizenship-evidence.html>.

<sup>9</sup> The FY2025 cost for non-federal agency searches is \$1.50. U.S. Citizenship and Immigration Services, TRANSACTION CHARGES, <https://www.uscis.gov/save/about-save/transaction-charges>.

<sup>10</sup> The system's accepted forms of identification include documents issued to persons who immigrate into the U.S., such as an Alien Registration Number, Arrival or Departure Record, visa information, or a naturalization certificate. U.S. Citizenship and Immigration Services, VERIFICATION PROCESS, <https://www.uscis.gov/save/about-save/save-verification-process>.



1 and the harms extend well beyond this district and the parties to the litigation. Nationwide relief  
2 is most appropriate here.

3 To start, it would make little sense for relief to be limited given the need for uniformity.  
4 Issues of immigration and citizenship are national in scope. *See, e.g., Arizona v. United States*,  
5 132 S. Ct. 2492, 2494 (2012) (recognizing the federal government has “constitutional power to  
6 ‘establish an uniform Rule of Naturalization’”) (citing U.S. CONST. ART. I, § 8, cl. 4).  
7 Additionally, limited relief would create a strange divergence of rights across the country. As  
8 this case (and other cases) winds its way through the courts, some people would be subject to the  
9 Order while others are not, absent nationwide relief. Such a scenario would only add to the  
10 administrative burden imposed by the Order. Those determining citizenship based on place of  
11 birth would need to know when and where someone was born and then determine if they were  
12 protected by an injunction from this or another court at that moment in time. *See also HIAS v.*  
13 *Trump*, 985 F.3d 309, 326-27 (4th Cir. 2021) (affirming nationwide injunction when agencies  
14 “place[d] refugees throughout the country”).  
15

16  
17 Many of the jurisdictions represented in this coalition of local governments and officials  
18 are not located in states where attorneys general or other parties are pursuing a case to enjoin the  
19 Order. Nevertheless, *amici*’s communities will suffer greatly from the Order. As outlined above  
20 (Part II.A), loss of federal benefits will have serious economic security and public health impacts.  
21 Absent nationwide relief, our jurisdictions may need to bring additional lawsuits, intervene in  
22 existing actions, or take other steps to ensure protection for our governments and our  
23 communities. That would be inefficient for our communities and the judiciary. Finally, the  
24 federal government suffers no prejudice from a nationwide injunction. After all, it has recognized  
25

1 birthright citizenship at least since ratification of the 14th Amendment.

2 **CONCLUSION**

3 For the foregoing reasons and for the reasons provided by Plaintiffs, *amici* respectfully  
4 request this Court issue a preliminary injunction and enjoin the Order from going into effect.  
5

6 Dated: January 28, 2025  
7

8 Respectfully submitted,

9 /s/ Heidi B. Bradley

10 Heidi B. Bradley, WSBA No. 35759  
BRADLEY BERNSTEIN SANDS LLP  
2800 First Avenue, Suite 326  
11 Seattle, WA 98121  
[hbradley@bradleybernstein.com](mailto:hbradley@bradleybernstein.com)  
12 206-337-6551

13 Katherine Courtney (*pro hac vice forthcoming*)  
14 Public Rights Project  
490 43rd Street, #115  
15 Oakland, CA 94609  
16 katiec@publicrightsproject.org

**ADDITIONAL COUNSEL**

YIBIN SHEN  
City Attorney  
2263 Santa Clara Avenue, Room 280  
Alameda, CA 94501  
*Attorney for the City of Alameda,  
California*

ATLEEN KAUR  
City Attorney  
Guy C. Larcom City Hall  
301 East Huron, 3rd Floor  
Ann Arbor, MI 48104  
*Attorney for the City of Ann Arbor,  
Michigan*

DEBORAH THOMAS  
Acting City Attorney  
P.O. Box 1546  
Austin, TX 78767  
*Attorney for the City of Austin, Texas*

EBONY M. THOMPSON  
Acting City Solicitor  
Baltimore City Department of Law  
100 N. Holliday Street  
Baltimore, MD 21202  
*Attorney for the City of Baltimore,  
Maryland*

ANN ANDERSON  
Town Attorney  
405 Martin Luther King Jr. Boulevard  
Chapel Hill, NC 27514  
*Attorney for Mayor Jessica C. Anderson  
and the Town of Chapel Hill, North  
Carolina*

BRIEF OF AMICI CURIAE LOCAL  
GOVERNMENTS AND LOCAL  
GOVERNMENT OFFICIALS  
NO. 2:25-cv-00127

MARY B. RICHARDSON-LOWRY  
Corporation Counsel of the City of Chicago  
121 N. LaSalle Street, Room 600  
Chicago, IL 60602  
*Attorney for the City of Chicago, Illinois*

ZACHARY M. KLEIN  
Columbus City Attorney  
77 N. Front Street, 4th Floor  
Columbus, OH 43215  
*Attorney for the City of Columbus, Ohio*

KATIE MCLOUGHLIN  
Acting City Attorney  
1437 Bannock Street, Room 353  
Denver, CO 80202  
*Attorney for the City and County of Denver,  
Colorado*

CHRISTINA SANCHEZ  
El Paso County Attorney  
320 S. Campbell Street, Suite 200  
El Paso, TX 79901  
*Attorney for the County of El Paso, Texas*

KRISTYN ANDERSON  
City Attorney  
City Hall, Room 210  
350 S. Fifth Street  
Minneapolis, MN 55415  
*Attorney for the City of Minneapolis,  
Minnesota*

SUSAN K. BLITCH  
County Counsel  
188 W. Alisal Street, 3rd Floor  
Salinas, CA 93901  
*Attorney for the County of Monterey,  
California*

15 **BRADLEY BERNSTEIN SANDS LLP**  
2800 FIRST AVENUE, SUITE 326  
SEATTLE, WA 98121  
206.337.6551

1 JOHN P. MARKOVS  
2 County Attorney  
3 Office of the County Attorney  
4 101 Monroe Street, 3rd Floor  
5 Rockville, MD 20850  
6 *Attorney for Montgomery County,*  
7 *Maryland*

8 ALAN SEEWALD  
9 City Solicitor  
10 One Roundhouse Plaza, Suite 304  
11 Northampton, MA 01060  
12 *Attorney for the City of Northampton,*  
13 *Massachusetts*

14 RYAN RICHARDSON  
15 City Attorney  
16 One Frank H. Ogawa Plaza, 6th Floor  
17 Oakland, CA 94612  
18 *Attorney for the City of Oakland, California*

19 SUSANA ALCALA WOOD  
20 City Attorney  
21 915 I Street, Fourth Floor  
22 Sacramento, CA 95814  
23 *Attorney for City of Sacramento, California*

LYNDSEY M. OLSON  
City Attorney  
400 City Hall & Court House  
15 W. Kellogg Boulevard  
St. Paul, MN 55102  
*Attorney for the City of St. Paul, Minnesota*

TONY LOPRESTI  
County Counsel  
70 W. Hedding Street East Wing, 9th Floor  
San José, CA 95110  
*Counsel for the County of Santa Clara,*  
*California*

DOUGLAS T. SLOAN  
City Attorney  
1685 Main Street, Room 310  
Santa Monica, CA 90401  
*Attorney for the City of Santa Monica,*  
*California*

MIKE RANKIN  
City Attorney  
PO Box 27210  
Tucson, AZ 85726-7210  
*Attorney for the City of Tucson, Arizona*

LAUREN LANGER  
City Attorney  
Best Best & Krieger LLP  
300 S. Grand Avenue, 25th Floor  
Los Angeles, CA 90071  
*Attorney for City of West Hollywood,*  
*California*

24 BRIEF OF AMICI CURIAE LOCAL  
25 GOVERNMENTS AND LOCAL  
26 GOVERNMENT OFFICIALS  
NO. 2:25-cv-00127

16 BRADLEY BERNSTEIN SANDS LLP  
2800 FIRST AVENUE, SUITE 326  
SEATTLE, WA 98121  
206.337.6551

**Appendix A – List of *Amici Curiae***

**Local Governments**

City of Alameda, California

City of Ann Arbor, Michigan

City of Austin, Texas

City of Baltimore, Maryland

Town of Chapel Hill, North Carolina

City of Chicago, Illinois

City of Columbus, Ohio

City and County of Denver, Colorado

County of El Paso, Texas

City of Minneapolis, Minnesota

County of Monterey, California

County of Montgomery, Maryland

City of Northampton, Massachusetts

City of Oakland, California

City of Sacramento, California

City of St. Paul, Minnesota

County of Santa Clara, California

City of Santa Monica, California

Travis County, Texas

City of Tucson, Arizona

City of West Hollywood, California

**Local Government Leaders**

Brenda Adams  
*Supervisor, Town of Canaan, New York*

Elizabeth Alcantar  
*Mayor, City of Cudahy, California*

Valarie Bachelor  
*District 6 Director, Oakland Unified School District, California*

Katjana Ballantyne  
*Mayor, City of Somerville, Massachusetts*

Nikki Fortunato Bas  
*Supervisor, Alameda County Board of Supervisors, California*

Brian Beck  
*Councilmember, City of Denton, Texas*

Sarah Benatar  
*Treasurer, Coconino County, Arizona*

Johana Bencomo  
*Mayor Pro Tem, City of Las Cruces, New Mexico*

Nancy Metayer Bowen  
*Vice Mayor, City of Coral Springs, Florida*

Jennifer Brouhard  
*Board Director, Oakland Unified School District, California*

Lisa Brown  
*Clerk and Register of Deeds, Oakland County, California*

Rowena Brown  
*Councilmember, City of Oakland, California*

Jackie Butler  
*Precinct 1 Commissioner, El Paso County, Texas*

Chris Canales  
*Councilmember, City of El Paso, Texas*

Dolores Ortega Carter  
*Treasurer, Travis County, Texas*

Alma Castro  
*Councilmember, City of Santa Fe, Mexico*

Markus Cenicerros  
*Board Member, Littleton Elementary School District, Arizona*

Michael Chameides  
*Supervisor, Columbia County Board of Supervisors, New York*

John Clark  
*Mayor, Town of Ridgway, Colorado*

Laura Conover  
*County Attorney, Pima County, Arizona*

Alison Coombs  
*Councilmember At-Large, City of Aurora, Colorado*

Rock Copeland  
*Councilmember, Erie County, Pennsylvania*

Christine Corrado  
*Councilmember, Town of Brighton, New York*

Becky Corran  
*Councilmember, City of Las Cruces, New Mexico*

Kara Davis  
*District Attorney, Wasco County, Oregon*

Olgy Diaz  
*Councilmember, City of Tacoma, Washington*

Leslie Dippel  
*Executive Attorney, Travis County, Texas*

Katrina Doughty  
*Board Director, Multnomah Education Service District, Oregon*



Dennis Michael Dvorchak  
*Supervisor, Town of Hillsdale, New York*

Jack Eckblad  
*District 4 Supervisor, Milwaukee County Board of Supervisors, Wisconsin*

Bubba Fish  
*Councilmember, City of Culver, California*

Sommer Foster  
*Township Trustee, Township of Canton, Michigan*

Vanessa Fuentes  
*Mayor Pro Tem, City of Austin, Texas*

Adrian Garcia  
*Precinct 2 Commissioner, Harris County, Texas*

Alyssa Garza  
*Deputy Mayor Pro Tem, City of San Marcos, Texas*

Delia Garza  
*Attorney, Travis County, Texas*

Kelly Girtz  
*Mayor, Athens-Clarke County Unified Government, Georgia*

Caroline Gomez-Tom  
*District 14 Supervisor, Milwaukee County Board of Supervisors, Wisconsin*

Leanne Greenberg  
*Governing Board Member, Osborn School District, Arizona*

Jonathan Guzmán  
*Vice Chair, Lawrence School Committee, Massachusetts*

Dan Hall  
*Councilmember, City of Santa Monica, California*

Beau Harbin  
*Legislator, Cortland County, New York*

Bear Heiser  
*Mayor Pro Tem, City of Kyle, Texas*

Iliana Holguin  
*Commissioner, El Paso County, Texas*

Tistrya Houghtling  
*Supervisor, Town of New Lebanon and Columbia County, New York*

Christopher Jaramillo  
*Board President, Norristown Area School District, Pennsylvania*

Clay Lewis Jenkins  
*Judge, Dallas County, Texas*

Lawrence Kestenbaum  
*Clerk and Register of Deeds, Washtenaw County, Michigan*

Nick Komives  
*Councilmember, City of Toledo, Ohio*

Phillip Kramer  
*Mayor, Franklin Township, New Jersey*

Jerald Lentini  
*Director, Manchester City Board of Directors, Connecticut*

Jessie Lopez  
*Councilmember, City of Santa Ana, California*

Quinton Lucas  
*Mayor, Kansas City, Missouri*

Neil Makhija  
*Commissioner, Montgomery County, Pennsylvania*

Alexander Marion  
*Auditor, City of Syracuse, New York*

Heber Marquez  
*Mayor Pro Tem, City of Maywood, California*

1 Diana McFarland  
2 *Board Member, Sun Prairie Area School District, Wisconsin*

3 Lisa McIntyre  
4 *Board Member, Northville Public Schools, Michigan*

5 Yasmine-Imani McMorris  
6 *Councilmember, City of Culver, California*

7 Jessica McParlin  
8 *Chief Deputy Treasurer, Sandoval County, New Mexico*

9 Andrew Meindl  
10 *Alderman, City of Wauwatosa, Wisconsin*

11 Ryan Mello  
12 *County Executive, Pierce County, Washington*

13 Christian Menefee  
14 *County Attorney, Harris County, Texas*

15 William Moehle  
16 *Supervisor, Town of Brighton, New York*

17 Sarah Moore  
18 *Councilmember, City of Fayetteville, Arkansas*

19 Melissa Novoa  
20 *Board Director, Norristown Area School District, Pennsylvania*

21 Amelia Parker  
22 *Councilmember, City of Knoxville, Tennessee*

23 Ingrid Parker  
24 *Board Director, Norristown Area School District, Pennsylvania*

25 Michael Payne  
26 *Councilmember, City of Charlottesville, Virginia*

Isabel Piedmont-Smith  
*Councilmember, City of Bloomington, Indiana*

Veronica Pillar  
*Legislator, Tompkins County, New York*

Jaqueline “Jack” Porter  
*Commissioner, City of Tallahassee, Florida*

Kony Serrano Portillo  
*Councilmember, Town of Edmonston, Maryland*

Idelma Quintana  
*Commissioner, City of Hollywood, Florida*

E. Dalia Racine  
*District Attorney, Douglas County, Georgia*

Amanda Rodriguez  
*Councilmember, City of San Marcos, Texas*

Michael Rodriguez  
*Alderperson, City of Chicago, Illinois*

Kim Roney  
*Councilmember, City of Asheville, North Carolina*

Ricardo Samaniego  
*Judge, El Paso County, Texas*

Eli Savit  
*Prosecuting Attorney, Washtenaw County, Michigan*

Elaine Schaefer  
*Councilmember, Delaware County, Pennsylvania*

Steve Schroeder  
*Board Member, Sun Prairie Area School District, Wisconsin*

Michael Siegrist  
*Clerk, Canton Township, Michigan*

Monica Taylor  
*Council Chair, Delaware County, Pennsylvania*

1 Clifford Thompson  
2 *Board Director, Oakland Unified School District, California*

3 Jeronimo Vasquez  
4 *Supervisor, Coconino County, Arizona*

5 Anissa Welch  
6 *Mayor, City of Milton, Wisconsin*

7 Braxton White  
8 *Commissioner, Clarion County, Pennsylvania*

9 Robin Wilt  
10 *Councilmember, Town of Brighton, New York*

11 Jamila H. Winder  
12 *Commissioner, Montgomery County, Pennsylvania*

13 Randall Woodfin  
14 *Mayor, City of Birmingham, Alabama*

15 Chuy Zárate  
16 *Trustee, Round Rock Independent School District, Texas*